

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7880 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT Sd/-

=====

1. Whether Reporters of Local Papers may be allowed
to see the judgements? NO

2. To be referred to the Reporter or not? NO

J

3. Whether Their Lordships wish to see the fair copy
of the judgement? NO

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? NO

5. Whether it is to be circulated to the Civil Judge?
NO

BHIKAJI MAGANJI THAKORE

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioner

MS P.S.PARMAR ADDL.GOV'T. PLEADER

for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 02/11/96

ORAL JUDGEMENT

Rule. Ms. Parmar, learned AGP waives the
service of Rule on behalf of the respondents. Heard. It
is submitted on behalf of the petitioner that notice was
not given to the him, instead that, the same was served
on his Architect who was not his authorised agent to
accept the notice. The State agreed to such say of the

petitioner and fairly concedes about service of notice wrongly on a stranger. Thus, without hearing the petitioner, impugned order is passed. It is the principle of natural justice that without affording an opportunity of being heard to the interested party, if order is passed, would be void in the eye of law. In this case, the order which is passed is, therefore, void. The same is required to be quashed and set aside. The petition is therefore allowed. The order passed by the respondent no.2 is hereby quashed and set aside. Subsequent order passed under Sec.10 of the Urban Land Ceiling Act is also hereby quashed. The case is referred back to the respondent no.3. The respondent no.3 is directed to issue notice to the petitioner, grant the opportunity to the petitioner to submit and decide the case in accordance with law, within six months from today. No order as to costs. Rule is made absolute.
